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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,197	07/19/2001	Tomoyuki Narumi	0153-83085	9733

7590 05/19/2004

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EXAMINER

MCCHESNEY, ELIZABETH A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,197

Applicant(s)

NARUMI ET AL.

Examiner

Elizabeth A McChesney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-22 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is in response to applicant's response filed 3/4/04. Claims 1-22 are pending in the present application. This action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-8, 11-14 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooney (US Patent No. 4,620,110).

Regarding claims 1-5 and 7-8, it is interpreted and thus rejected for the same reasons as set forth below in claims 11-15 and 17-18 (respectively). Since claims 1-5 and 7-8 disclose a method, which corresponds to, the apparatus of claims 11-15 and 17-18; the method is obvious in that it simply provides functionality for the structure of claims 11-16 and 17-18.

Regarding claims 11 and 19, Cooney discloses a portable radio, which includes a removable power supply module 20 (col. 4-lines 1-6 and figure 3) and therefore reads on a receptacle, which receives a removable voltage power supply as in the claimed limitation. Cooney further discloses the removable power supply that can be used in a variety of audio products (col. 3-lines 19-23). Cooney further discloses that the power supply provides power when outside the radio 10 via the power module inserted into a

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conventional outlet (col. 3-lines 36-41). Cooney further discloses the radio can also be operated when the power module is inserted in the recess 16 of the radio and powered via battery power (col. 4-lines 1-5). Therefore the power supplies power to the device when disposed within or not disposed with the enclosure as in the claimed limitations.

Regarding claims 12 and 20, Cooney further discloses the power module 20 has a plug 30 within the power supply that can be used for insertion into a conventional outlet when it is removed from the housing (col. 3-lines 36-44).

Regarding claim 13, Cooney discloses conductors 30 which are on the outside and thus external to the power module for adapting the power supply 20 to the recess 16 of the radio upon insertion (see figure 3).

Regarding claims 14, Cooney further discloses an electrical receptacle 20, which is disposed in the enclosure 16 and for coupling power from the power supply 20 to the radio 10 (see figure 3).

Regarding claim 15, Cooney discloses conductors 30 and can read on a plug, which are on the outside and thus external to the power module for engaging the power supply 20 to the recess 16 of the radio upon insertion (see figure 3).

Regarding claim 17, Cooney discloses the inner surface of the receptacle 16 and the outer surface of the power supply 21 comprise of complimentary set of dimensions as the power supply fits inside of the recess (see figure 3).

Regarding claim 18, Cooney discloses the power module 20 sliding into the recess 16 as shown in figure 3. Cooney further discloses the receptacle having a smaller area at the back for easier insertion, which reads on a tapering of the recess for

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easy insertion as to not force the power module 20 into the recess 16 (see figure 6 for clarification of the fitting).

Regarding claims 21 and 22, Cooney further discloses a power supply module wherein the power supply is removed and inserted into a conventional outlet and is power is therefore coupled from the external source to power the radio and wherein the power supply is inserted into the recess and power is therefore coupled from the supply to the radio (col. 6-lines 48-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooney (US Patent No. 4,620,110).

Regarding claim 16, Cooney fails to specifically point out the radio comprising an amplifier, however it would have been obvious for one of ordinary skill to include an amplifier in a radio for synthesizing the strength of the signal.

Regarding claim 6, it is interpreted and thus rejected for the same reasons as set forth above in claim 16. Since claim 6 discloses a method, which corresponds to, the apparatus of claim 16; the method is obvious in that it simply provides functionality for the structure of claim 16.

Response to Arguments

6. Applicant's arguments filed 3/4/04 have been fully considered but they are not persuasive. The Applicant argues that the prior art requires the power module must be removed from the radio to supply power via an electrical outlet. The Applicant further argues that this prevents the module for supplying power when the module is inserted into the recess. However, the examiner disagrees. Cooney discloses a removable power supply that supplies energy to a portable audio product from either internal or external sources of electric power. The reference teaches that the power supply provides power when inside the radio via batteries or outside the radio via the electrical plug, which reads on the claimed limitation.

Conclusion

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM *qam*
May 13, 2004


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER